

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

This application has been reviewed in light of the Office Action dated April 15, 2003. Claims 3-10 are currently pending in the application. As indicated above, Claims 3-10 have been amended.

In the Office Action, the Examiner has rejected Claims 3-10 under 35 U.S.C. § 112, first paragraph, under 35 U.S.C. § 102(e) as being anticipated by *Park et al.* (U.S. 6,480,481), and under 35 U.S.C. § 102(f). In addition, the Examiner has rejected Claims 3 and 10 under 35 U.S.C. § 102(b) as being anticipated by *Sawahashi et al.* (U.S. 5,590,409), Claim 4 under 35 U.S.C. § 103(a) as being unpatentable over *Sawahashi* in view of *Vilmur et al.* (U.S. 5,107,487), Claims 5 and 7-9 under 35 U.S.C. § 103(a) as being unpatentable over *Sawahashi* in view of Applicants' admitted prior art, and Claim 6 under 35 U.S.C. § 103(a) as being unpatentable over *Sawahashi* in view of *Lee et al.* (U.S. 6,456,604).

In the drawings, the Examiner has objected to FIGs. 1A, 1B, 3A, 3B, 4A, 4C, 5A, 6A, and 7 and 8, asserting that these figures should include the legend --PRIOR ART--. Accordingly, FIGs. 1A, 1B, 5A, 6A, 7, and 8, have been amended to include the legend --PRIOR ART--. However, with regards to FIGs. 3A, 3B, 4A, and 4C, it is respectfully submitted that the Examiner is incorrect. The specification merely states that elements 300, 400, and 410 in FIGs. 3A, 3B, 4A, and 4C, respectively, are known in the prior art, but that the remaining elements depicted in these figures show an embodiment of the present invention. Therefore, it is respectfully submitted that FIGs. 3A, 3B, 4A, and 4C are properly referred to as depicting an embodiment of the present invention. Based on the foregoing, withdrawal of the objections of FIGs. 3A, 3B, 4A, and 4C, is respectfully requested.

As indicated above, the Examiner has rejected Claims 3-10 under 35 U.S.C. § 102(f), alleging that Applicants did not invent the claimed subject matter. Specifically, the Examiner notes pages 1-10 of the specification and FIGs. 1A, 1B, 3A, 3B, 4A, 4C, 5A, 6A, and 7 and 8. However, as

stated above, it is respectfully submitted that the Examiner has not properly interpreted FIGs. 3A, 3B, 4A, and 4C, and therefore, is incorrect in the rejection under 35 U.S.C. § 102(f). Based on the foregoing, withdrawal of the rejection to Claims 3-10 under 35 U.S.C. § 102(f), is respectfully requested.

In addition, the Examiner has objected to the drawings under 35 U.S.C. § 1.83(a), asserting that the drawings do not show a single communication device comprising a base station and a mobile station as recited in Claim 3. As indicated above, Claims 3-10 have been amended and are no longer directed to a single communications device. Therefore, it is respectfully submitted that the objection to the drawings under 35 U.S.C. § 1.83(a) be withdrawn.

Further, it is respectfully submitted that the amendments Claims 3-10 overcome the rejection to Claims 3-10 under 35 U.S.C. § 112, first paragraph. Based on the foregoing, withdrawal of the rejection to Claims 3-10 under 35 U.S.C. § 112, first paragraph, is respectfully requested.

With regards to the rejection of Claims 3-10 under 35 U.S.C. § 102(e) as being anticipated by *Park*, and the rejection of Claim 6 under 35 U.S.C. § 103(a) as being unpatentable over *Sawahashi* in view of *Lee*, both *Park* and *Lee* have U.S. filing dates that are later than the Foreign Filing Priority date of the present application. Therefore, it is respectfully submitted that neither *Park* nor *Lee* are prior art to the present application. Accordingly, a certified translation of the Korean application 35056/1998 has been provided in accordance with 37 C.F.R. § 1.55. Based on the foregoing, withdrawal of the rejection to Claims 3-10 under 35 U.S.C. § 102(e) as being anticipated by *Park*, and the rejection of Claim 6 under 35 U.S.C. § 103(a) as being unpatentable over *Sawahashi* in view of *Lee*, is respectfully requested.

As indicated above, independent Claim 3 has been rejected under 35 U.S.C. § 102(b) as being anticipated by *Sawahashi*. The Examiner asserts that *Sawahashi* discloses all elements recited in Claim 3. However, Applicants respectfully disagree. Claim 3 of the present application discloses changing a reference value for reverse closed loop power control in a control hold state. We can find no section in *Sawahashi* that discloses changing the reference value. *Sawahashi* discloses that a

transmission power of a mobile terminal is controlled so as not to exceed a *predetermined* reference value, i.e. a maximum transmission power. Therefore, as *Sawahashi* does not disclose that a base station changes a reference value for reverse closed loop power control, as is recited in Claim 3, it is respectfully requested that the rejection to Claim 3 under 35 U.S.C. § 102(b) as being anticipated by *Sawahashi*, be withdrawn.

Independent Claim 3 is believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 4-10, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 4-10 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 3-10, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



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